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09-09-07

IFW RCE/ 3751

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: VIAL, S.

Serial No: 09/889,535

Examiner: Prunner, K.

Filing Date: January 16, 2002

Group Art Unit: 3751

For: WRITING INSTRUMENT WITH VARIABLY INCLINABLE TIP

MAIL STOP RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION TRANSMITTAL (RCE)

1. Submission required under 37 CFR 1.114

a. Previously submitted

☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on June 8, 2004.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.

b. Enclosed

☐ Amendment/Reply

☐ Affidavit(s)/Declaration(s)

☐ Information Disclosure Statement

☒ Other See Communication, attached.

2. Miscellaneous

☐ Suspension of action on the above identified application is requested under 37 CFR 1.103(c) for a period of _____ months.

☐ Other:

3. Fees

☐ Applicant claims small entity status under 37 CFR 1.9 and 1.27.

The fees applicable hereto are:

☒ RCE fee required under 37 CFR 1.17(e) - \$770.00

☒ Extension of time fee under 37 CFR 1.136(a): one (1) month - \$110.00

☐ Other

b. ☐ Payment by credit card.

c. ☒ The Commissioner is hereby authorized to charge the above fees (\$880.00) to Deposit Account No. 04-1679. Please charge any deficiency in fees or credit any overpayment to the deposit account of the undersigned, namely, Deposit Account No. 04-1679.

Respectfully submitted,

Dated: _____

Sept. 8, 2004

Stephan P. Gribok

Stephan P. Gribok.

Registration No. 29,643

DUANE MORRIS LLP

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Docket No. 3241-72
[D4695-083]



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re: Application of: VIAL, S.

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COMMUNICATION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant is concurrently filing a request for continued examination requesting entry and consideration of the amendment submitted June 8, 2004 under 37 C.F.R. §1.116 is to be entered upon commencement of renewed examination. Applicant also points out the following considerations.

In the Advisory Action of July 15, 2004, a comment was made that applicant's response of June 8, 2004 was incomplete for failure to respond regarding drawing corrections. Reconsideration is requested. The response of June 8 was complete. The response included amendments to the specification to correct inconsistencies between the specification and the drawings, thus correcting the matters that formed the basis of the stated objections to the drawings.

At different times during prosecution of the application, the examiner has apparently objected to both of the terms "return force" and "resetting force," which terms are used in the application as synonyms that alternatively refer to the same idea of a restoring force that brings the inclined tip back to a nominal state. If the examiner objects either or both of these terms, applicant requests an explanation as to the basis

of the objection so as to enable applicant to respond either by eliminating one or another of the terms or by providing suitable support or explanation.

Respectfully submitted,

Date: Sept. 8, 2004

Stephan P. Gribok
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Docket No. 3241-72
D4695-93



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: Prunner, K.

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CERTIFICATE OF EXPRESS MAILING

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that this submission, namely a Request for Continued Examination and associated documents, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Washington, D.C. 20231.

"Express Mail" mailing label number: EV434015172US

Date of Deposit: September 8, 2004

Respectfully submitted,

Date: Sept. 8, 2004

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